MFA 95/2007

BEFORE

THE HON’BLE MR JUSTICE B.P. KATAKEY

Heard Mr. HK Deka, learned counsel for the appellants and Mr. KK Mahanta, learned counsel for the respondents.

This appeal is directed against the order dated 20.8.2007 passed by the learned Civil Judge (Junior Division), No. 2 at Guwahati in Misc. (J) Case No. 91/2007 (Old No. 12/07) arising out of Title Suit No. 20/2007 refusing the prayer for injunction made under Order 39 Rule 1 and 2 CPC.

It appears from the order impugned in the present appeal that both the plaintiffs/appellants as well as the respondents/defendants are claiming to be in possession of the suit land in question. The question of possession at this stage cannot be decided by the court which requires examination of the witnesses and adducing of evidence. The purpose of granting injunction in a pending suit is to maintain status quo as regards the suit property so that no party is affected during pendency of such suit. In the present case in hand, as both the parties are claiming to be in possession, in my view, for the interest of justice, the parties are to be directed to maintain status quo as on date in respect of the suit land in question meaning thereby whoever is in possession of the suit property as on date shall continue to be so till the decree is passed by the learned trial court. Ordered accordingly.

It is also made clear that the other party who is not in possession of the suit land shall not interfere with the possession of the party in possession of the suit property till such disposal of the suit.

At this stage it has been submitted by the learned counsel that the suit has reached the stage of adducing evidence and therefore necessary direction may be passed to decide the suit as expeditiously as possible.

In view of the aforesaid position and as well as keeping in view the provisions of the CPC, I direct the learned Civil Judge (Junior Division), No. 2 at Guwahati to decide the suit being Title Suit No. 20/2007 as expeditiously as possible preferably within a period of six months from the date of receipt of this order.

Parties shall appear before the learned court below on the date already fixed.

The appeal stands disposed of.